

**TESSARI & ASSOCIATES, PLLC** **OCT 16 2008**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/705,248  
Inventor: Jeffrey Alan Middlesworth  
Filing Date: November 12, 2003  
Title: COMPOSITE ELASTIC WEB  
Art Unit: 1794  
Examiner: Ruddock, Ula Corinna  
Confirmation No.: 3193  
Docket No.: TRED23  
Customer No.: 53476

**Certificate of Transmission/ Mailing**

I hereby certify that this paper is being facsimile transmitted to the USPTO or deposited with the US Postal Service with sufficient postage as First Class mail in an envelop addressed to the Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

  
Robin L. Lauser

10/16/2008  
Date

MAIL STOP PETITION  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR 1.313(C)**

Applicant paid the issue fee on October 6, 2008. Applicant wishes to withdraw from issue for purpose of filing the enclosed Request for Continued Examination (RCE). The RCE is being filed solely to permit Applicants to file an Information Disclosure Statement (IDS) submitting references cited in a corresponding European application. The IDS is also enclosed.

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Respectfully Submitted,



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PTO/SB/17e (09-08)

Approved for use through 10/3/2008. OMB 0851-0031  
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<b>PETITION FEE</b> <b>Under 37 CFR 1.17(f), (g) &amp; (h)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision)  Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450	Application Number	10/705,248
	Filing Date	November 12, 2003
	First Named Inventor	Jeffrey Alan Middlesworth
	Art Unit	1794
	Examiner Name	Ruddock, Ula Corinna
	Attorney Docket Number	TRED23

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17f.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 18-0990:  
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(e) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**


For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.138(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.16(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

  
 Signature

Joseph A. Tessari

Typed or printed name

10-16-08

Date

32,177

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.